

REMARKS

After entry of the foregoing amendment, claims 1-15 remaining pending in the application.

Claim 8 has been amended to remove a comma, as suggested by the Examiner.

Applicant confirms the earlier election to prosecute the claims of Group I (i.e., claims 1-10), with traverse.

It is not clear that the Office has met its *prima facie* burden of showing that the respective sets of claims are both independent and distinct. Moreover, even if the claims are independent and distinct, it is not believed that maintaining all claims in a single application would be unduly burdensome on the Office. Accordingly, withdrawal of the restriction requirement is solicited.

Furthermore, a finding that claims are properly subject to restriction would mean that claims in Group II, III and IV *cannot be found to be obvious* over claims in Group I (i.e., no double-patenting rejections) in later prosecution of such claim groups. Query whether such an outcome is justified in the facts of this case.

If the restriction requirement is made final, applicant authorizes the Examiner to cancel the non-elected claims by Examiner's Amendment.

As noted in the previous response, the Office has failed to establish *prima facie* unpatentability of the claims. Only with the benefit of hindsight – provided by applicants' specification - would an artisan modify and combine Ariyavisitakul (5,084,891) and Hembrooke (3,004,104) in the various manners asserted in the Action.

Moreover, applicant respectfully submits that the Office overreaches when it asserts that two references are properly combinable because they both "belong to the broad class of signal processing." That field is too enormous to serve as a predicate for combination. The assertion proves too much. Such overreaching will not be sustained by the Board.

Finally, in the December Action, the Office newly mentioned art cited in the specification at page 2, lines 13-14, regarding a technique for deterring cell phone fraud by monitoring characteristics of a cell phone's RF signal. (Such technique is exemplified, e.g., by patent 5,420,910 to Rudokas, submitted with the September, 2005 IDS.) It is not clear, however, whether such art forms any basis for the rejections. That is, are the claims rejected over Ariyavisakul + Hembrooke, or Ariyavisakul + Hembrooke + Rudokas? Clarification is solicited.

Date: January 19, 2006

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Respectfully submitted,

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